

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ORIGINAL

In re application of:

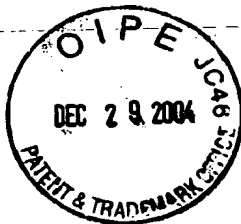
WILLIAM T. ROWSE et al.

Serial No.: 09/547,661

Filed: April 12, 2000

For: SYSTEM FOR PROCESSING A CUSTOMER CONCERN

Attorney Docket No.: FMC 1185 PUS / 81050169



Group Art Unit:3629

Examiner: Jonathan P. Ouellette

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents

Commissioner for Patents

U.S. Patent & Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief respectfully traversing the Examiner's September 30, 2004 office action rejecting all pending claims in the above-referenced patent application.

I. REAL PARTY IN INTEREST

The real party in interest is Ford Global Technologies, Inc.

II. RELATED APPEALS AND INTERFERENCES

Applicants have also filed an appeal brief respectfully traversing the Examiner's September 30, 2004 Office Action rejecting all pending claims in patent application serial no. 09/547,650 entitled "METHOD FOR PROCESSING A CUSTOMER CONCERN."

12/30/2004 HVUDNG1 00000019 061510 09547661

01 FC:1402 500.00 DA

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on

December 23, 2004
Date of Deposit

John S. Le Roy
Name of Person Signing

John S. Le Roy
Signature

III. STATUS OF CLAIMS

Claims 1, 4, 5, 7-14, 38, 40 and 42-45 have been rejected and are being appealed. No claims have been allowed or confirmed, withdrawn, objected to, or canceled.

IV. STATUS OF AMENDMENTS

No amendment has been filed subsequent to the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 recites a system for processing a product concern. A service station, one embodiment of which is shown in Figure 9, includes a computer 132 and an integrated camera 134 and scanner 136 unit. The integrated camera/scanner unit is removable from the service station 130, as shown in Figure 6 (service station 130 with camera/scanner unit removed). (Spec., p. 20, ll. 5-11.) The camera/scanner unit is shown generally in Figure 11.

The camera portion 134 of the integrated camera/scanner unit is used to capture one or more photographs of a product concern (e.g. dent, scratch, defect, etc.). (Spec., p. 25, ll. 9-12.) The scanner portion of the integrated camera/scanner unit is used to capture an identifier for the product (e.g., model, serial number, etc.). (Spec., p.24, l. 28 - p. 25, l. 2.) When the integrated camera/scanner unit is returned to the service station 130 establishing electrical connectivity to the computer 132, the captured information is transferred to the computer 132. (Spec., p. 20, ll. 11-14.)

A communication port (e.g., modem port 138, LAN port 140, etc.) on the service station 130 enables communication between the service station computer 132 and a reviewer station 102. (Fig. 1, Fig. 4, Spec., p. 15, ll. 7-23.) Information relating to the product concern (e.g., photographs, identifier, etc.), is communicated to the reviewer station 102 for determining how to address the product concern. (Spec., p. 13, ll. 13-29.)

Independent claim 40 recites a system for evaluating vehicle warranty concerns. This system uses an integrated digital camera and vehicle identification device for capturing information relating to a vehicle warranty concern, and transmits the information to a second computer over a communication network for evaluation.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner has rejected independent claims 1 and 40 under 35 U.S.C. 103(a) as being unpatentable over DiRienzo et al (U.S. 6,076,066) in view of Nikon (July 7, 1997) and further in view of Manheim Auctions (June 1, 1998).

The Appellants respectfully appeal these rejections because the cited references, separately and in combination, fail to teach or suggest the integrated camera and scanner unit that independent claims 1 and 40 recite. The Examiner relies solely on the Manheim Auctions reference to meet this limitation, but that reference does not teach or suggest the claimed device.

The Appellants contend that the pending dependent claims are patentable over the Examiner's proposed combination at least because these claims depend from patentable independent claims 1 and 40. (MPEP 2143.03.) However, the Examiner's other rejections are not conceded, and future challenges to those rejections are not to be deemed as waived.

VII. ARGUMENT

The Examiner has rejected independent claims 1 and 40 under 35 U.S.C. 103(a) as being unpatentable over DiRienzo, in view of Nikon, and further in view of Manheim Auctions.

The Applicants respectfully traverse the Examiners's rejection of independent claim 1 because the cited references fail to teach or suggest "an integrated digital scanner and camera unit" as claim 1 recites. The Examiner concedes that the DiRienzo and Nikon references fail to disclose this claim element. (Final rejection, ¶ 17.) The Examiner finds this claim element in Manheim Auctions, characterizing the disclosure in that reference as "an integrated scanner/digital camera station." (Final rejection, ¶ 18.) Manheim Auctions states:

The vehicles roll past a high-tech imaging station at about 2 mph. An infrared scanner reads the bar code, which in turn trips a digital camera.

However, there is nothing in this reference to suggest an **integrated** digital scanner and camera unit, as claim 1 recites. Attached hereto as Exhibit A is a June 1998

article from Datalogic describing and illustrating the vehicle station referenced in the Manheim Auctions article. (<http://www.datalogic.it/markets/pdf/Cas04-98.pdf>) The article describes the scanner device as a “DS6100 High Performance Laser Scanner” that is “enclosed in a special enclosure to control the temperature of the scanner and to protect the scanner from weather.” The scanner and the scanner enclosure are pictured in the article. Notably, there is no teaching or suggestion that the scanner is integrated with a camera as a single unit, as claim 1 recites. While a vehicle photograph is taken at the station, the scanner is a stand-alone device that is specially positioned to read a barcode sticker located on the driver side window of the vehicle as the vehicle enters the station.

Another reason that the Examiner’s proposed combination is improper is because the Manheim Auctions system teaches away from the claimed invention. (MPEP 2143.) More specifically, the Manheim Auction system is a fixed, “unattended” system (*See*, Exhibit A title). The claimed invention, on the other hand recites a “removable” camera/scanner unit that is designed to enhance efficiency and ease of use. Modifying the fixed “unmanned” Manheim Auctions system to reach the claimed invention would change the principle of how the Manheim Auctions system operates, rendering it unsatisfactory for its purpose as an “unmanned” system. Further, the proposed combination would lack a reasonable expectation of success in the context of the Applicants’ invention because the scanner/camera unit would be fixed — not be removable as claim 1 recites. Accordingly, one of ordinary skill in the art would be discouraged from combining DiRienzo, Nikon and Manheim Auctions in the manner that the Examiner proposes.

Notably, the Applicants added the “integrated unit” limitation in their August 27, 2003 Amendment, per the Examiner’s suggestion, to overcome prior art like Manheim Auctions in which the camera and scanner were not part of an integrated unit. The August 27, 2003 Amendment successfully overcame that prior art.

The Applicants respectfully traverse the Examiner’s rejection of independent claim 40 for the same reasons stated above with respect to independent claim 1. More specifically, the Manheim Auctions reference does not teach or suggest “an integrated digital camera and vehicle identification device.”

The fee of \$340.00 as applicable under the provisions of 37 C.F.R. § 41.20(b)(2), as well as any additional fee or credit of any overpayment in connection with this filing, should be charged to Deposit Account No. 06-1510 (Ford Global Technologies, Inc.). A duplicate of this paper is enclosed for this purpose.

Respectfully submitted,

WILLIAM T. ROWSE et al.

By



John S. Le Roy

Reg. No. 48,158

Attorney for Applicants

Date: December 23, 2004

BROOKS KUSHMAN P.C.

1000 Town Center, 22nd Floor

Southfield, MI 48075-1238

Phone: 248-358-4400

Fax: 248-358-3351

Enclosures: Exhibit A
Appendices
Duplicate for Deposit Account



VIII. CLAIMS APPENDIX

Claim 1 A system for processing a product concern, the system comprising:

a service station having a first computer and a removable integrated digital camera and scanner unit for capturing digital information including one or more photographs and identifying indicia related to the product concern wherein the captured digital information is automatically transmitted from the integrated digital camera and scanner unit to the first computer upon placing the integrated digital camera and scanner unit in electrical communication with the first computer within the service station;

a reviewer station having a second computer for receiving the captured digital information from the service station and for determining how to address the product concern;
and

a communication port for connecting the first computer at the service station with the second computer at the reviewer station for transmitting information related to the product concern including the captured digital information.

Claim 4 The system of claim 1 wherein the at least one identifying indicia is a vehicle identification number.

Claim 5 The system of claim 1 wherein the at least one identifying indicia is watermarked onto the one or more photographs.

Claim 7 The system of claim 1 wherein the service station comprises a housing having a base and a base cover.

Claim 8 The system of claim 7 wherein the base comprises a first recessed portion for receiving a computer.

Claim 9 The system of claim 8 wherein the base further comprises a second recessed portion for receiving the integrated digital camera and scanner unit.

Claim 10 The system of claim 9 wherein the second recessed portion further comprises a plurality of terminals for contacting a plurality of terminals on the integrated digital camera and scanner unit.

Claim 11 The system of claim 10 wherein the plurality of terminals comprises a first set of terminals for communication with a first set of terminals for charging the integrated digital camera and scanner unit.

Claim 12 The system of claim 11 wherein the plurality of terminals further comprises a second set of terminals for communication with a second set of camera terminals for transmitting data between the integrated digital camera and scanner unit and the first computer.

Claim 13 The system of claim 1 wherein the service station comprises a power supply for providing electrical power to the integrated digital camera and scanner unit.

Claim 14 The system of claim 1 wherein the service station comprises a battery charger for charging a battery included in the integrated digital camera and scanner unit for providing electrical power to same.

Claim 38 The system of claim 1 wherein the product concern involves a warranty concern relating to a vehicle.

Claim 40 A system for evaluating a vehicle warranty concern during a real-time communication session, the system comprising:

a first computer device for receiving information relating to a vehicle warranty concern;

an integrated digital camera and vehicle identification device for capturing at least one image and an identification for the vehicle, respectively relating to the vehicle warranty concern; and

a second computer device for receiving the information, the at least one image and the identifier via a communication network for evaluation of the vehicle warranty concern during a real-time communication session.

Claim 42 The system of claim 40 wherein the identification for the vehicle is a vehicle identification number.

Claim 43 The system of claim 40 wherein the identification device is a barcode scanner.

Claim 44 The system of claim 40 wherein the identification for the vehicle is watermarked onto the at least one image.

Claim 45 The system of claim 40 wherein communication between one or more of the devices is via one or more cables.

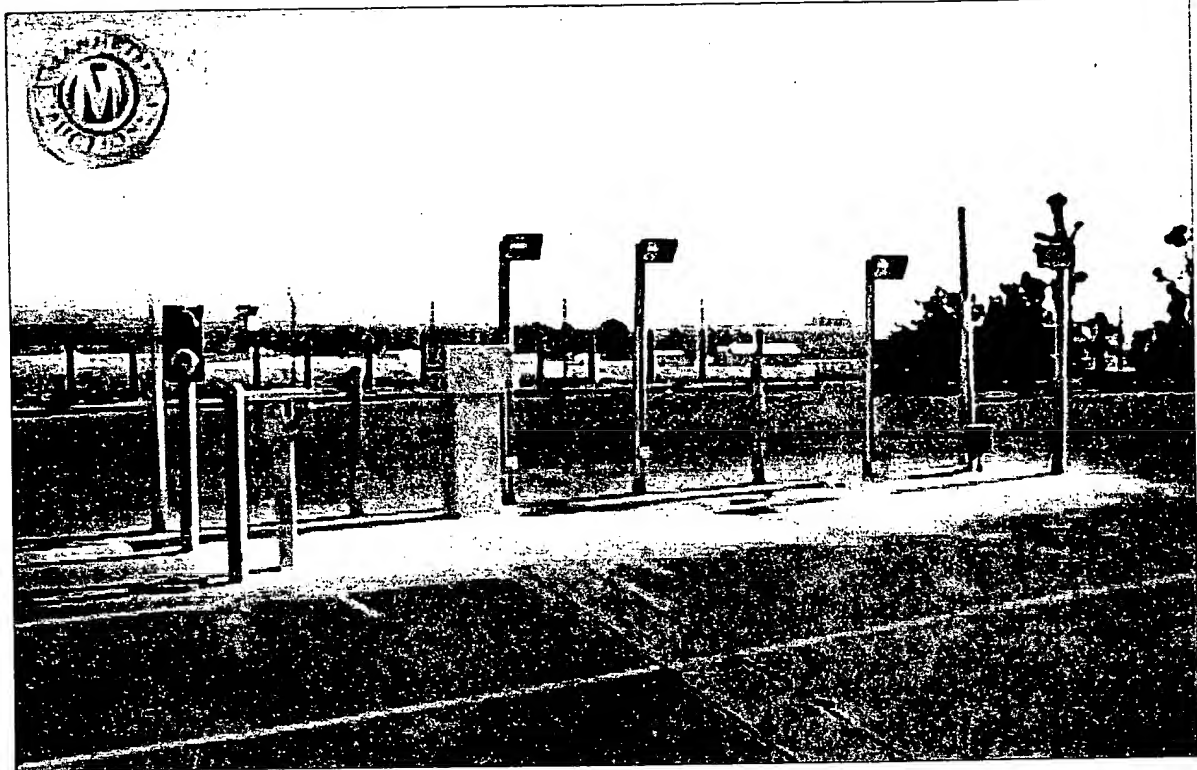
IX. EVIDENCE APPENDIX

Exhibit A is a June 1998 article from Datalogic describing and illustrating a vehicle station at the Manheim Auction site. This article can be found at <http://www.datalogic.it/markets/pdf/Cas04-98.pdf>.

X. RELATED PROCEEDINGS APPENDIX

None

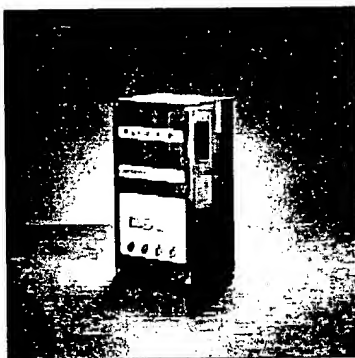
EXHIBIT A



Datalogic at the Auction Lot

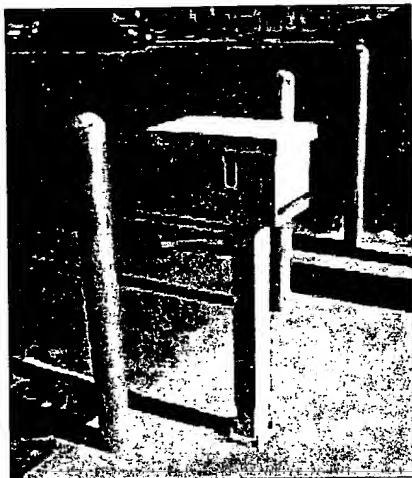
"Rain or Shine" Datalogic's laser scanners stay on the top of inventory at Manheim Auctions

Manheim Auctions, a division of Cox Enterprises, sells previously owned vehicles in auctions at over 64 locations in the United States and Canada. Datalogic was consulted to assist in the development of a system designed to correctly identify and track these vehicles. Many considerations lie behind Manheim Auction's newly developed photo inventory system. Manheim Auctions presented Datalogic with an unusual outdoor application. Since the scanner was to be mounted inside the auction lot it would be required to withstand the rigors of heat, cold, rain, and snow. Datalogic mounted the scanner in an EnviroSeal enclosure. This enclosure is rated NEMA 4 with a heating and cooling system. A special aperture for the laser window was cut in the enclosure and a neoprene seal was provided. It was necessary to invest in the special enclosure to control the temperature of the scanner and to protect the scanner from weather. In addition Datalogic had to supply a scanner with the ability to read a 30mil barcode from a reading distance of 6 feet while immersed in ambient light. Based on these specifications, the DS6100 scanner was selected for the job. Many competitors' scanners were not capable of this application without the use of special reflective labels.



DS6100
High Performance Laser Scanner

DATALOGIC



Datalogic's DS6100 laser scanners are mounted in a special enclosure to withstand all weather conditions outside of each Cox Manheim's auction lot.

Reflective labels are often costly and scarce. Only Datalogic's DS6100 could read a simple 30mil barcode at a distance of 6 feet in ambient light. The laser scanner was mounted outside at each auction lot. When a new car enters the auction yard, a guard records all necessary information. A bar code sticker is then placed on the driver side window of the vehicle. The bar code is scanned as the car passes through the yard. A camera is triggered by a sensor, taking a picture of the vehicle. All information (including the photo image) is then downloaded to a database containing information on all vehicles at all auction yards. Manheim Auctions is installing about 100 systems for their own use. Some of the data from this system is available for viewing at www.autoconnect.com. This website allows consumers to browse through thousands of previously owned vehicles listed for sale. The site includes pricing information, reviews, and photo images of the listed vehicles.

Datalogic's DS6100 Scanner

The DS6100 Scanner has been designed to provide a cost-effective solution in material handling applications by combining advanced research with solid experience. This is the first scanner to offer the market a compact, fully integrated, and inexpensive solution for bar code reading, combined with parcel dimensioning (**ID CUBE™**). The scanner's patented high frequency modulated laser beam is immune to ambient light. Configurations and statistics are controlled and viewed with the aid of Datalogic's **WINHOST™** and **Voyager™** software packages. The scanner also contains the following Datalogic patented technologies: **ACR™** (Advanced Code Reconstruction), **CD SQUARE™** (Code Distance Detector) and **PackTrack™**, which reduces the minimum required distance between two objects in omni-stations. All of these features come in a plug and play package to assure ease of use.

DATALOGIC **DL**

Bar Code & More

Australia
Datalogic PTY. LTD.
Tel. +61 3/95589299
Fax +61 3/95589233
sales@datalogic.com.au

India
Datalogic (India) Private Ltd.
Tel. +91 80/5584440
Fax +91 80/5582896
datalogic@birlvsnl.net.in

Sweden
Datalogic AB
Tel. +46 40/385000
Fax +46 40/181849
info@datalogic.se

Austria
Datalogic Handelsges. MBH
Tel. +43 2236/25882
Fax +43 2236/258825
datalogic@ins.at

Italy
Datalogic Trading S.r.l.
Tel. +39 02/7532542
Fax +39 02/7544007
datalogic.trd@iol.it

United Kingdom
Datalogic UK Ltd.
Tel. +44 1582/464900
Fax +44 1582/464999
enquiries@datalogic.demon.co.uk

Denmark
Datalogic A/S
Tel. +45 44/209970
Fax +45 44/209972
info@datalogic.se

Japan
Izum Datalogic Co., Ltd.
Tel. +81 78/2723400
Fax +81 78/2722003
idlmarte@infoweb.or.jp

U.S.A.
Datalogic Inc.
Tel. +1 606/6897000
Fax +1 606/3344970
info@datalogic.com

France
Datalogic France S.A.
Tel. +33 1/60921111
Fax +33 1/69072631
dlfrance@worldnet.fr

The Netherlands
Datalogic Optic Electronics BV
Tel. +31 346/572888
Fax +31 346/568736
datalogic.gmbh@t-online.de

Germany
Datalogic GmbH
Tel. +49 7026/6080
Fax +49 7026/5746
datalogic.gmbh@t-online.de

Spain
Datalogic France S.A.
Tel. +34 93/3221227
Fax +34 93/4394136

Datalogic Quality Partner

